PROSECUTION BENT ON PROV-ING FORGERY FIRST.

Mention of the Crime of Murder in Yesterday's Testimony-Much About \$25,000 Check Swenson Says Priser Told Him That Bananas Killed Rice

Taking of testimony in the case of Albert T. Patrick, the lawyer who is on trial for the murder of William Marsh Rice on Sept. 23, 1900, was begun yesterday before Recorder Goff. There was not the slightest allusion throughout the day to the actual rime with which Patrick is charged. Most of the first day's evidence was relative to the checks Patrick is charged with having forged Rice's signature to and to his efforts to get them cashed on the day after the old millionaire's death. Anybody in the audience if not familiar with the case would have got the impression that the baldheaded prisoner with the red, pointed beard was on trial for forgery rather than murder.

The comment of the lawyers for the defence on the method adopted by the prosecution was that the representatives of the District Attorney's office were trying the case back-Their objections were frequent. The Assistant District Attorney's explanation was that he proposed to establish first the conspiracy between Patrick and Jones, the valet, and the fact that Patrick was prepared to enjoy the fruits of the crime.

John H. Wallace, the bank clerk in Swenson & Sons of 15 Wall street, who was the first man to discover the irregularities in the check for \$25,000 which Patrick preented for certification on the day after Rice's death, was the first witness. He said that he had been employed at Swenson's for twenty-five years as clerk and paying teller; that he had known William Marsh Rice for twenty years in a business way, and that he was familiar with his writing. He also said that he knew Rice's valet, Charles F. Jones, and that he was familiar with Jones's handwriting.

THAT \$25,000 CHECK.

Assistant District Attorney Garvan, who began the direct examination for the prosecution, then presented the check for \$25,000 dated Sept. 22, 1900, made out to "Abert" T. Patrick, signed "W. M. Rice," and iniorsed "Albert T. Patrick," and asked Wallace if he had ever seen it before and when and where. The witness replied that he had first seen it on Sept. 24, 1900, when it was presented for certification at Swenson's bank by David L. Short. He said that he recognized the writing of the body of the check as that of Valet Jones, but was suspicious of the signature, which he compared with Rice's signature on several other checks and vouchers, and then returned the check to Short, who returned

"What was the indorsement on the check when it was first presented?" asked Mr. "It was Albert T. Patrick."
"What was it when Short returned with

"Abert T. Patrick, to correspond with the spelling on the face of the check."

Mr. Garvan then offered the check in evidence, but Mr. Moore objected on the ground that the altered indorsement was ground that the altered indorsement was not relevant. The objection was sustained, but the check was marked for identification. "When the check was presented the second time," replied Wallace to several questions in the direct examination, "I showed it to Mr. Swenson. There was some telephoning and then the check was accepted. Then, after more telephoning, the certification on the check was crossed out and Short went away with it again."

The telephoning referred to was with

out and Short went away with it again."

The telephoning referred to was with Jones. According to the testimony of preliminary hearings and to the confession of Jones. Wallace called up the valet on the telephone and asked for Mr. Rice. The reply was that Mr. Rice could not come to the telephone just then. Wallace asked Jones about the check and the valet replied that it was all right.

"Have you a vivid mental picture of Rice's signature?" asked Mr. Moore in beginning the cross-examination of Wal-

beginning the cross-examination of Wai-

"I am not a handwriting expert."
"Well, is the signature, W. M. Rice, on

this check genuine?"

Mr. Wallace declared that, in his opinion, the signature was not genuine, and he was very positive about it. Wallace lost patience only once, when he said that he was not an expert at \$1,000, and the jurymen laughed. But at the end of half heck genuine? men laughed. But a men laughed for cross-examination declar hour of cross-examination wanted s just as emphatic in declaring that the signature was not genuine.

DECLARES SIGNATURE BOGUS. Walter O. Wetherbee, head clerk Swenson & Sons' bank, was the next wit-ness. He was the first man that Wallace nsulted about the genuineness of the Rice signature on the day the check was pre-sented by Short. He agreed from the first with Wallace that the signature was orged, and he yesterday corrolorated he testimony of the first witness on that the testimony of the first witness on that point. Mr. Wetherbee is one of the wit-nesses of the genuine Rice will of 1896. That will was introduced in evidence yesterand Mr. Wetherbee identified his own ature on it and that of Mr. Rice.

day and Mr. Wetherhee identified in sown signature on it and that of Mr. Rice.

Wetherhee was also the man approached by Jones, at the instigation of Patrick, according to the prosecution, with the proposition that Wetherhee act as a witness for a second will, the will of 1900 alleged to have been forged by Patrick. Assistant District Attorney Osborne tried yesterday to establish that very important link in his consistency chain by asking the witness when and where he had ever met Jones and what had love said.

hat find been said. I have seen Johns at 500 Madison avenue, replied Wetherbee, "and at my own home in

at Your house?"
Mr Moore objected on the ground that
no proper foundation had been laid for
the quantum and that there had been notho show that the alleged conseptracy is existence prior to distore call of action's boson is decimally 1969. He is said "There is no prior of con-

bly Moore also objected to Wetherhoe's or grounded no the garagir stone of the organization and declared that the case and a forgery once of torgery !

actions and was articized to kell the Papara-local places with that they discovered to an all the spend that he hard shour a benchetty humbrane for the River to short young, but seems a garqui-many of the charding and was the theoretically fendaline with the landstwing. He and has to first one the chards as here it is no the treatment when Wallace had deal it to that and that his first remarks was What a feel with the light state? When Phonet contained with the signature? When Phonet contained with the Color there is a second time.

CATRICK SALD PARAMAK MILLION BROW.

check, because Mr. Rice had intended that it should be paid. He told me that it would have been all right as there was to be no administrator and that he had another check for \$65,000 and also an assignment to him of all the Rice securities in my bank. I asked him for a copy of the assignment and he agreed to give me one if I would give a receipt for it. The copy was made, but I changed my mind about the receipt and gave him the copy that had been made, as well as the original. Then he said that I could have the copy without a receipt if I would indorse the original to show that it had been presented. I wouldn't do that. Then he told me to keep the copy anyway.

I asked Patrick about Mr. Rice's illness. He said that he had been sick for some time and that the eating of several bananas had finally killed him. He said that the funeral was to be the next day and asked me to be there or to send a representative. He also said that the body was to be cremated, and when I expressed surprise at that he said that Mr. Rice had left a written order to have his body cremated.

By Mr. Garvan—Did he tell you why Mr. Rice had given him those checks? A. No. Q. Did he say anything about a will? A. No. By Mr. Moore—Why did Patrick say that he was sorry you wouldn't pay the check? Had he asked you at any time to pay it? A. He wanted payment.

Q. Hadn't he sent that check to you with a request that it be certified? A. There is no difference. If we certify a check we consider it is paid.

PATRICE AND THE REPORTER.

PATRICE AND THE REPORTER. Harold S. Abbott of North Carolina, who was the correspondent in this city for the Houston Post at the time of Mr. Rice's death, was the next witness. He told of an interview that he had with Patrick at

the latter's boarding house on the day following the death and the day that Patrick had told Swenson that the body

was to be cremated.

"What did Patrick tell you?" asked Mr. Garvan.

"He said that the body was to be sent to Wisconsin for burial."

Is James W. Gerard was the last witness of the day. He is a lawyer in the office of Bowers & Sands, the lawyers to whom Swenson first reported the irregularity of Patrick's proceedings. Gerard told of a call he made on the evening of Sept. 24, 1900, at Patrick's house with Detective Valleley of the Central Office.

"I told Patrick," said the witness, "that the bankers looked upon his actions as extraordinary and had asked me to investigate. I asked him why it was necessary for him to have a will and a general assignment of the Rice property, too. He said that that was a secret."

Just before adjournment Recorder Goff told the lawyers on both sides that they had been too prolix and must do better during the remainder of the trial. The case will be resumed on Monday.

Patrick's sister, Emma Patrick, who arrived in this city from Texas on Thursday with Patrick's young daughter Lillian, did not see the prisoner yesterday. She will be allowed to visit him to-day in the Tombs.

WANTS CHINA TO RELENT.

WANTS CHINA TO RELENT.

Prince Ching Will Ask the Court to Restore Pekin Industrial Institution.

Special Cable Despatch to THE SUN. PEKIN, Jan. 24.—As the result of pressure brought to bear upon him Prince Ching will memorialize the Throne, asking that more liberality be displayed in the treatment of the Pekin Industrial Institution, which the court recently ordered to be closed on the suggestion of Chen Pi, the reactionary Governor of Pekin. Prince Ching will also ask that the institution be allowed to revive its paper, the Common People, which Chen Pi succeeded in having suppressed. Prince Ching says the paper can be issued subject to the inspection of the censors.

The institution has been compelled to remove from its former quarters, and its promoters say that this means the court intends to strangle it, though a modification of the order of suppression may be issued. All the foreigners here and many officials including Viceroy Yuan Shih Kai, favor the promoters, but as yet they have been unable to defeat the pernicious influence of Chen Pi.

It is reported that a son of Prince Ching has been appointed Chinese Envoy to attend the coronation of King Edward. Sir Ernest Satow, the British Minister, has informed the Chinese that there is no objection to the appointment, but Prince Chun's brother would have been preferred. The appointment has not yet been confirmed by an edict.

FOREIGN ADVISERS FOR CHINA. uan Shih Kai Advocates Means to Prevent Frauds by Native Boards.

Special Cable Despatch to THE SUN. PEKIN, Jan. 24.-Yesterday was the las day on which condolences could be offered to the family of Li Hung Chang. There were many visitors at his house and a number of foreigners watched the ceremonies. Great quantities of paper imitations of the

late Earl's possessions were burned. Viceroy Yuan Shih Kai has memorialized the Throne asking that a foreign adviser be appointed for each of the eight boards The Grand Council is considering the matter, but will probably limit the appointments to the six most important boards. It is especially desired that a trained diplomat be secured for the Wai Wu Pu (Foreign Board), a financier for the Board of Revenues and a military man for the Board of War. Yuan Shih Kai thinks that in this way it will be possible to circumvent frauds

WAGON MAKERS COMBINE. Ralinay Vehicle Manufacturers Now to

and Beal Is to He Extended. Special Cable Despatch to THE SUN.

BIRMINGHAM, Jan 24. The combina tion announced of the wagon manufactur ers in the Midlands does not affect America. according to present reports. It is an amalgamation of concerns which are interested in the manufacture of railway wagons and not road vehicles. A movement is on foot, however, for a big combination of all wagon, carriage and coach makers to oppose American competition. The trade is new discussing proposals which so yet are rather hazy. The greatest difficulty that is Leing experienced is in trying to induce the small dealers to join tary for freland, was the principal speaker.

NO ASSAULT ON KING GEORGE. mine) Printed in Stenna is Mented at Athen

Appeal of mile constraints to TME Street London dan 24 A Aespatch from Attacks makes that the segent of an at | pay to the tempeted meanist tipes the fitting of farmers

The story as printed in Victors was that settile fixing timings was walking in the pure Metted, \$ apostition to the Ambretic as at Projection a main rushed forward torand island a butter and tried to assault from A park impactor interposed and saxed his blajenty. In protecting King George the respector was slightly injured. The fitting respect under: The man was arrested

Marting Little Barth \$1 500,000

hanciers duty desputes to fine non-lanciers duty in ... The marriage of lands tions memori, the beautiful daughter of Lord Londonderry, to Lord Stavordain stigent som of the East of Bishmann, will be sedemotized at hit Pener's Charels in Emiliate annual ten-moneyers (Soint ascount house should presente, valued at glass, see, here teen received Tuner tochuse gifts from the King and Queen and many members of the royal family

I merral of Acres Benjamie.

Paris. Jan. 24. The funeral of Anna. Ben jamit, the young woman was corre-Q What did be east A Putrick and that appropriat, took place yesterday. The in-

BRITISH ASSERTION OF FRIEND-SHIP AND DENIALS.

endon "Spectator" Says Full Report of the Transactions at Manila Would Show the German Attitude-No Jealousy Over Prince Henry's Visit.

LONDON, Jan. 24 .- The Spectator finds he European denials of British friendship with the United States during the Spanish-American War amusing, particularly the German denial. It suggests that some Germanophile American Senator call for the publication of all the transactions between the German, American and British naval commanders in the Philippines in 1898, and says that the publication would finally set at rest the whole question of Germany's attitude. The Spectator con-

"It would have been utterly impossible for our Government, even if it was disinclined to be helpful, which it was not, to take any other position than it did. If America had actually been faced in arms by a European coalition England would have been beside her in twenty-four hours. The notion of Englishmen calmly looking on while foreign fleets were attacking "What did Patrick tell you?" asked Mr. New York and Boston is simply Unthink-

> The Spectator, while acknowledging that the Americans are by no means as conscious as Englishmen of racial solidarity, nevertheless does not doubt that if Great Britain was attacked by a European coalition, the Americans would immediately rally to cry, "Hands off." It protests against the idea reported from America that Viscount Cranborne's statement in the House of Commons regarding England's attitude was timed to damage Prince Henry's visit. Such an idea, it declares, is an entire delusion. The proposed visit causes no jealousy or uneasiness here, where Queen Victoria's sailor grandson is distinctly popular.

> > WHAT AUSTRIA DID.

Moved by a Desire for Peace and Not by Hostility to Us, It Is Said.

Special Cable despatch to THE SUN. LONDON, Jan. 25.-The Vienna correspondent of the Times vouches for the accuracy of the following story: Prior to the opening of the Spanish-American War Austria agreed to care for the interests of Spaniards in the United States. No initiative was taken for mediation or intervention in any shape or form. No suggestion was made for a joint note to the United States or collective steps of any kind by Austria; nor did Austria accede to any proposal that may have been made by those having those objects in view. In fact, Austria's reserve was such as

o occasion some litttle coolness with Madrid. The close relationship between the reigning families of Austria and Spain doubtless inspired the Austrians and Hungarians with a great deal of sympathy with Spain, but this did not influence the policy of the Government, which throughout was one of strict and absolute neutrality On the other hand, the Chronicle's Vienna

correspondent declares that the Austrian Foreign Office fully corroborates Viscount Cranborne's statement, Austria from regard for Queen-Regent Christina joining the peace party headed by the Pope. The Austrian action was prompted solely by a desire for peace.

There was not the slightest hostility against the United States, which has always maintained the most cordial relations with Austria. Austria ceased to move in the matter concurrently with the other Cabinets when a hint was received that the United States did not desire mediation.

CUBAN POSTAL FRAUD CASES. Described in Court.

Special Cable Despatch to THE SUN. HAVANA, Jan. 24. The hearing in the ost Office cases was resumed to-day. Col. he examined Neely's books on May 2, 1900, and found a shortage of \$45,000 He told Rathbone he thought Neely was a defaulter. Rathbone said he thought Neely was honest, and said that if witness examined the books again he would find them all right.

Special Agent Williams said he examined books of the Post Office in May, 1900. and found a shortage. He told Rathbone about it and pointed out the difference in Rathbone's annual report and the accounts. Rathbone said that the credit of the department was gone. Subsequently Rathbone asked witness if he was sure about the shortage. Witness said he was, whereupon Rathbone said: "My God, we are ruined, but we have made a good postal service if they have robbed all the money

IRISH AMENDMENT VOTED DOWN. Question Baised by John Redmond Mortey and Home Rule

Special Cubic Desputch to This SCH LONDON, Jan 24 - The House of Commons this evening debated an amendment offered by Mr John Redmond, the Irish leader, to the address in reply to the King's speech opening the session of Parjament The amendment raised the general spice tion of Irish government, advocated compulsory land purchase and declared that Ireland demanded the immediate attention of Parliament with the view to harmonizing it and the Government with the opinion of a majority of frishmen.

Mr John Morley, formerly Chief Scopehis arguments following tiladetonian lines. He strongly reaffirmed big adhesion to ome rule, saying "I shall sote as I have for lifteen years for any motion giving Ireland the same rights to sell that the tangersment and colonics enjoy

The motion was defeated by a sote of

MIMOREN & POOR SHIP.

marrie Builer

opening collection and the collection of the collec rints a latter from an Acry of the steamer

Distribute two bound for in her Footned to the Antorotic on acceptating expedition accelerating the stintement celtical front than the sensel solic recovery that this the promptled 42 degrees in a living and array othing merable shourd of her was chifted. She constantly role between 30 and 50 degrees. making cheep improvides and work meanly Exergines on her was feeling the tend effects of this, this plac shape some conditionity meeting enveything phenic and

f aper & exceptete may be Sentret;

CAPE TOWN, Jan 24 Stir Gooden Spring. the Prime Minister, presided at a meeting of the Vigitance Committee to day. A rescu fution was adopted strongly disapproving any suggestion of numerity in the setted

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ADDRESS\_

GERMANY WILL WELCOME WALES. Pleased That King Edward's Heir Is to Make a Visit.

pectal Cable Despatches to THE SUN BERLIN. Jan. 24.—The semi-official North German Gazette says it appreciates the friendly feeling that induced the King of England to send the heir to the British crown to the German capital. It trusts that the good wishes that the illustrious Prince will bring and the impressions he will receive here will promote and confirm the friendly feeling between the two countries. It adds:

"In the Emperor's guest we cordially welcome also the representative of the great nation with which we are joined in Discovery of Shortage in Neely's Accounts important interests. Current political disputes will vanish before the British King's whom we will welcome to German soil." LONDON, Jan. 24 .- The Prince of Wales started for Berlin this evening by way of Burton, auditor of the island, stated that | Calais. He will represent King Edward at the celebration of the Kaiser's birthday

> HOPE TO FIND THE CONDOR. British Admiralty Now Alarmed About

on Monday.

the Overdue Sloop of War. Special Cable Despatch to THE SUN-LONDON, Jan. 24.—The Admiralty is orried because nothing has been heard from the British warship Condor, long overdue from Esquimault for Honolulu. ssels leaving San Francisco have been mested to keep a lookout for her, and American Government has been asked to be good enough to ascertain from their officials on the coast between San Francisco and Vancouver, R. i., whether any news are been received of a British ship in dis-

Histop Gore's Consecration Postponed.

Special Cade (sespatch to Tue SUS.) LONDON, July 24. The Court of King's Bench has granted a rule nist on the application of the Church Association for a lamus against the consecration of Bishop, who is a High Churchman, was confirmed Wednesday against the prote of the anti-Ritualists. As a result

everything in the entire range of Piano Literature. Its mastery of the intelectual and technical difficulties of punto playing is now being restified to in hundreds of homes in all parts of the world. It pronorses a never deviating corre me of physing and a spengi passer of inntating the style of all the great prantels. As a Marter interpreter of the group the greatest air no postersor or to be not the status managing

problem in mor collister of a and marinel offerry to count years. entry attention of adapting to be used forcied escientals to the montedience

THE APPRECIATION CONTRACTOR Agralia Statisting, 400 Tittle Av., W. S.

The Human Hair,

JOSE ECHEGARAY'S ODD PLAY.

MRS. PATRICK CAMPBELL IN THE SPANIARD'S "MARIANA."

That Fools Along With Poor Stuff Until It Develops Into the Intensest Imaginable Melodrama and Concludes in the Gore of Tragedy.

The audience at the Theatre Republic last evening was much obliged to Mrs. Patrick Campbell for introducing José Echegaray's "Mariana." She was liberally paid for her own good service and the labor of her collectively bad company; and about but the final quarter was powerful tragedy, and there was recompense for the expenditure of time and money in witnessing an English performance of what the Spaniard had written.

Lack of dramatic substance was a fault that became an offence. The action fooled along with the coquetries of a girl who had a young wooer whom she loved and an old one whom she did not. Those three characters and some others talked witlessly about nothing in particular, and they were very, very tiresome excepting one.

That exception was Mrs. Campbell, who contrived to keep the people from yawning. She looked as young as her years would let her, because Mariana was a girl, and the aspect finely. Here was a Carmen kind of innately vicious creature, the daughter of an adulteress, half fearful and half expectant that an inherited tendency would lead to a similar downfall. But she was a wealthy Madrid belle, not a coarse eigarmaker, and she wore exceedingly fine clothes, so there was the elegantly gowned lady worth looking at it, if not worth listening.

Gadsic's Eva is an ingenuous and a well-sung tôle. She looked the German maiden at all points. Mr. Dippel as Walther was praiseworthy. Mr Dippel as Walther was praiseworthy. Mr Dippel as Walther was praiseworthy. Mr Dippel as Walther was praiseworthy. But he key of a first old woman. Why? Bisphan's Becknosser still suffers from too strong a tincture of malignancy. He might easily tempty the part wathout depriving it of its scholastic accretity. After all, Beckmosser was only a crabbed, conbeauty of the actress took on a Spanish worth looking at it, if not worth listening to, while she attitudinized in all possible variations of sitting down in chairs and getting up from them. She explained her traits, and they were discussed by her relatives and friends. If all these talkers had been engaging they might have recoved at least a polite pretunes of attention, but they were instead, subjected to open richaule.

ince the last become the wide of the rights action a find the rights action at the last operation in the last operation of the last operation for authority of a strain and the last operation for authority of the right of the amount for the right of the amount for the right of the following the partial of the following the partial of the last of the las

doing to what her mother had since read-denly appulled her the railed in her know-hanted, startlessed to him and joegged him to keep his agreement life thereuges shot her, and when she was clear the law

sult of which was not disclosed.

The final half-hour of Mr. Echegaray's The final half-hour of Mr. Echegarays splay was powerful. It had been conceived and written in the manner of the French melodramatists, making a strain on credulity, but hot with passion and overwhelming in catastrophe. That it did not thrill the audience in its every minute was not due to Mrs. Campbell, but to lack of grim vergeance in the husband and fervid

not due to Mrs. Campbell, but to lack of grim vengeance in the husband and fervid passion in the seducer.

The actress mounted to the requisite height of frenzy in both her reckless love and her quick transition to equally mad remorse. Her plea for death made a tremendous climax to the one act of "Mariana" that was real drama.

"DIE MEISTERSINGER."

Wagner's Music Comedy Sung at the Opera A New David Well Received. "Die Meistersinger time this season at the Metropolitan Opera House last night. Gadski, Marie Maurer, Dippel, Bispham, Blass, Muhlmann, Reiss, Dufriche, Edouard de Reszke and others made up the cast. Walter Damrosch con-ducted. The performance was an ex-cellent, though not a brilliant one. Despite the fact that the map of Europe Despite the last that the map of the was represented on the programme the dominating atmosphere was Teutonic Dippel and Gadeki as the youthful lover were well matched, and M. de Reszke cobbler was as usual full of banhawasis present. and, of course, sing with sonorous bread The monologue revealed the favorite Po

The people had seen all they wished to of Mrs. Campbell, unless she would get right to work at something if amate, when the ourfain was lifted for the third act and still no interest developed until almost half an hour later at 1998 o clock, to be exact. But in the interior school divinion, wholly extranseeds, to be exact. But in the interior school divinion, wholly extranseeds, to be considered by the coverage of the first school of archaeology was placed by an old archaeology. Was placed by an old archaeology was placed by the majorate ficience of the lower than the company.

It is considered the Mr. Allies, the other installey closer main in the company.

It is considered the Mrs. the one installey closer main in the company.

It is considered the spinets has proved shelled and the set in the set in

men went out together for a duel, the re- KITCHENER HIDING DEFEATS? Boers Make the Charge-Sald to Be Gaining in Cape Colony

Special Cable Despatch to THE SUN LONDON, Jan. 25 .- The Daily News attaches importance to a despatch from its Hague correspondent stating that private South African despatches have reached military circles at The Hague to the effect that important developments are expected in Cape Colony. They add that the power of the Boers in the colony is daily increasing. and colonists are joining the Boer ranks in steadily increasing numbers. The rebellion is constantly spreading.

The executions of Commandants Lotter and Scheepers have considerably excited the loyalists, and are causing even some of the oldest of them to join the Boers, That huge symphonic singing lesson whose position is more favorable than at was sung for the first | any time since the commencement of hosdefeats from September to November, of which no mention was made in Gen. Kitchener's despatches.

Telegrams from impartial correspondents in South Africa have also been received at The Hague describing the prospects of Boer resistance as encouraging, indeed, projects for the government of an independent South Africa are under consideration by the Boer leaders.

The Daily News, commenting on the foregoing, says that its foreign correspondent has hitherto furnished the most accurate information, but there is hitle doubt that starements have been magnified by his

VALUABLE MILITARY FARMS. British Experiment in Ladybrand District a terest Success.

special Calife Describs to TRK STN-LADYBRAND, Orunge River County Jan. 24 The military farms which were established in the protected centres of the are now making a new departure. The farms average 2500 morgon. They write originally intended solely for g - 20-2 Total pools for tirest borses and assist accounted

SASTOS-DI MOST READS TO STARF Exchangest Empenic Respects the Apr parame for birdherraness blight.

Latative Bromo-Quining the remedy that rares a cold to use day